IN THE HIGH COURT OF BOMBAY AT G0A

WRIT PETITION NOS. 291, 292, 302, 303 AND 343 OF 2006

WRIT PETITION NO. 291 OF 2006

Smt. Sandhya U. Kanekar
and others. ... Petitioners

versus

Goa Board of Secondary
and Higher Secondary
Education through its
Secretary and another. ... Respondents

WRIT PETITION NO. 292 OF 2006

Shri Sandip Naik and
others. ... Petitioners

versus

Goa Board of Secondary
and Higher Secondary
Education through its
Secretary and another. ... Respondents

WRIT PETITION NO. 302 OF 2006

Smt. Rajeshvari Mayenkar
and others. ... Petitioners

versus

Goa Board of Secondary
and Higher Secondary
Education through its
Secretary and another. ... Respondents

WRIT PETITION NO.303 OF 2006

Shri Dyaneshwar Tari and
others. ... Petitioners

versus

Goa Board of Secondary
and Higher Secondary
Education through its
Secretary and another. ... Respondents

WRIT PETITION NO. 343 OF 2006

Smt. Meena D. Shirodkar
and another. ... Petitioners

versus

Goa Board of Secondary
and Higher Secondary
Education through its
Secretary and another. ... Respondents

Mrs. A. Agni, Advocate for the Petitioners.

Mr. J. P. Mulgaonkar, Advocate for the Respondent No.1.

Mr. S. S. Kantak, Advocate General with Ms. R. Chodankar,
Additional Government Advocate for the Respondent No.2.

CORAM : J. N. PATEL &
N. A. BRITTO, JJ.

DATE : 11TH DECEMBER,2006.

ORAL ORDER

All these petitions can be disposed of at the stage of admission itself by passing a common order.

2. The Petitioners were employed by the Respondent/Board on daily wages on casual basis. During the course of time, they have been given temporary status. Now they

seek absorption in service by regularization of their service. The learned Counsel for the Petitioners has placed reliance on various decisions of the High Court in case of such employees where the Court has directed the Respondent/Board to frame appropriate schemes for appointing seasonal employees and consider case of casual workers for absorption by giving them status of temporary employee and consider for regularization which is annexed as Exh. F colly.

3. The learned Counsel for the Petitioners further submits that she would like to address the Court so as to distinguish the case of the Petitioners from the decision rendered by the Supreme Court in the case of **Secretary, State of Karnataka and others** v. **Umadevi and others**(2006 AIR SCW 1991).

4. It is not in dispute that all the Petitioners were employed on daily wages on casual basis and the Respondent/Board has given them temporary status on the basis of various orders passed by the Division Bench of this Court in

matters relating to employees similarly placed and engaged by the Board.

5. In our view, the decision on the issue of regularization of casual workers is squarely covered in all its aspects by the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka and others** v. **Umadevi and others**(supra) and therefore the prayers made in the petitions that the Petitioners should be regularized against the vacant posts on which they are working as temporary employees cannot be granted in exercise of writ jurisdiction by this Court as it will be against public policy.

6. Reliance is placed on paragraph 44 of the reported Judgment in **Secretary, State of Karnataka and others** v. **Umadevi and others** case by the learned Counsel for the Petitioners, which cannot be considered in isolation so as to entitle the Petitioners to claim regularization.

7. In the facts and circumstances, we dispose of all these petitions with a direction to the Respondent/Board to examine

the case of the Petitioners in the light of 5 Judge decision of the Supreme Court in the case of **Secretary, State of Karnataka and others** v. **Umadevi and others**(supra) as all the previous decisions of this Court stand overruled in so far as such plea is covered in the case of **Secretary, State of Karnataka and others** v. **Umadevi and others**(cited supra).

Petition stands disposed of accordingly.

J. N. PATEL, J.

N. A. BRITTO, J.

RD